

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAMES L. DEAN,)	4:09CV3144
Plaintiff,)	
v.)	
RICHARD T. SMITH, et al.,)	
Defendants.)	
LOIS P. WHITE, as Personal)	4:09CV3145
Representative of the Estate of)	
Joseph White, deceased,)	
Plaintiff,)	
v.)	
COUNTY OF GAGE, NEBRASKA, et al.,)	
Defendants.)	
KATHLEEN A. GONZALEZ,)	4:09CV3146
Plaintiff,)	
v.)	
RICHARD T. SMITH, et al.,)	
Defendants.)	
THOMAS W. WINSLOW,)	4:09CV3147
Plaintiff,)	
v.)	
RICHARD T. SMITH, et al.,)	
Defendants.)	
ADA JOANN TAYLOR,)	4:09CV3148
Plaintiff,)	
v.)	
RICHARD T. SMITH, et al.,)	
Defendants.)	
DEBRA SHELDEN,)	4:11CV3099
Plaintiff,)	
v.)	
COUNTY OF GAGE, NEBRASKA, et al.,)	
Defendants.)	

MEMORANDUM AND ORDER

Defendants appeal from a portion of an order that was entered by Magistrate Judge Cheryl R. Zwart on September 12, 2013 (filing [199](#)). Defendants object to the order only

insofar as Judge Zwart overruled their objections to Plaintiffs' second set of requests for admissions and required them to admit or deny the requests within 10 days.¹

Plaintiffs' second set of requests for admission generally concern the results of DNA testing that was performed in 2008. Defendants objected that the requests are not relevant to any claim or defense (concerning their alleged misconduct between 1985 and 1989) and are not reasonably calculated to lead to the discovery of admissible evidence.

After careful review conducted pursuant to [28 U.S.C. § 636\(b\)\(1\)\(A\)](#), [Fed. R. Civ. P. 72\(a\)](#), and [NECivR 72.2](#), I find that the challenged order is not clearly erroneous or contrary to law. Accordingly,

IT IS ORDERED:

1. Defendants' statement of objections (filing [209](#)) is denied.
2. The Magistrate Judge's order entered on September 12, 2013 (filing [199](#)), is sustained and shall not be disturbed.

October 17, 2013.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge

¹ The response deadline subsequently was continued until 10 days following the disposition of this appeal. *See* text order entered on September 30, 2013 (filing 214).